UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,824	09/27/2001	Michael Darryl Ruehle	2207/ 11838	5014

7590 08/13/2004	**EXAMINER**
KENYON & KENYON	HUYNH, KIM NGOC
Suite 600	

ART UNIT	PAPER NUMBER
2182	

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San Jose, CA 95110-2711

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/966,824	RUEHLE ET AL.
	Examiner	**Art Unit**
	Kim Huynh	2182

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _See Continuation Sheet._

3. ☒ Applicant's reply has overcome the following rejection(s): <u>TD had overcome the double patenting rejection</u> .

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _1-30_.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

KIM HUYNH
PRIMARY EXAMINER
08/06/04

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Continuation of 2. NOTE: The limitaiton " if... includes no more than a finite number ..." is a new limitation within the elements of the existing claims.

Response to Arguments

1.   Applicant's arguments filed 7/6/04 have been fully considered but they are not persuasive.

Applicant argues that Jensen does not disclose the number of irrelevant bytes in between the first and last bytes does not determine if the relevant bytes are detected (remark, page 10, ll. 2-3). Please note this is not a limitation in the claimed invention or supported by the specification.   The claim requires a device for detecting a predetermined sequence of relevant data in a string of input data including relevant and non relevant data and the string on input data has no more than an 'N' number of non relevant data between any two relevant data.

Jensen discloses detecting a sequence of predetermined data embedded in a string of input data (col. 2, ll. 7-36 and 45-53), where the string of input data has no more than an 'N' number of non relevant data values in between any two relevant data(ordinal values # 0 and #9), the relevant data is mapped onto the COMP RAM containing the appropriate data comparison parameters (col. 11, l. 67 to col. 12, l. 4) and the non-relevant data are "ignored" by the COMP RAM and mapped onto the don't care segment (examined but does not trigger the J-K flip flop, col. 11, ll. 66). The relevant bytes of data then delivered to other device for use, or triggering the intended command (col. 13, ll. 8-22).

Jensen also discloses the filter for recognizing a triggering sequence included in the input data sequence (col. 1, ll. 10-21, col. 2, ll. 7-36, 45-53).